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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,170	08/26/2003	Jason B. Chesser	42.PI1893D	4447
7590 10/30/2007 R. Alan Burnett BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			EXAMINER PATEL, NIHIR B	
			ART UNIT 3772	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,170	CHESSER ET AL.	
	Examiner	Art Unit	
	Nihir Patel	3772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10.12.2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42 is/are pending in the application.
- 4a) Of the above claim(s) 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07.11.2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. First, the examiner agrees with the applicant's arguments and acknowledges applicant's election without traverse of **group II and species I (figures 4A-4D; claims 33-42)** in the reply filed on October 12th, 2007 is acknowledged.
2. The examiner acknowledges the cancellation of claims 1-30 in the reply filed on October 12th, 2007.
3. Claims **31 and 32** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 12th, 2007.

Specification

4. The disclosure is objected to because of the following informalities: The applicant needs to update the specification (CROSS REFERENCE TO RELATED APPLICATIONS) to include that the current application is a division of application 09/957,792 filed on September 20th, 2001 which is now patent US 6,981,543.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims **33-42** are rejected under 35 U.S.C. 102(b) as being anticipated by Pfister et al. (US 6,125,650).

7. **As to claim 33**, Pfister teaches an apparatus that comprises a cover plate (**see figure 7**); a channeled base member **102** having an external wall extending around a periphery thereof to which the cover plate is secured so as to define a sealed cavity (**see figure 7**); and further including at least one internal wall including a portion disposed substantially adjacent to a portion of the external wall so as to define a capillary channel **124** (**see figure 7**), the at least one internal wall dividing the sealed cavity into a condensing region and the capillary channel; a vapor inlet port to receive a working fluid in a vapor state operatively coupled to the sealed cavity; and a first fluid outlet port from which the working fluid exits the condenser operatively coupled to an end of the capillary channel (**see figure 7 and column 14 lines 10-35**).

8. **As to claim 34**, Pfister teaches an apparatus that further comprises a charge port operatively coupled to the condenser to enable the condenser to be charged with the working fluid (**see figure 7**).

9. **As to claim 35**, Pfister teaches an apparatus that further comprises a hole extending through the condensing region (**see figure 7 and column 14 lines 15-25**).

10. **As to claim 36**, Pfister teaches an apparatus wherein the at least one internal wall includes wall portions that are configured so as to thermally isolate the capillary channel from the condensing region (**see figure 7 and column 14 lines 20-30**).

11. **As to claim 37**, Pfister teaches an apparatus wherein the at least one internal wall includes portions that are configured symmetrically so as to form a centrally disposed condensing region connected to a first capillary channel disposed on a first side of the

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condensing region and a second capillary channel disposed on a second side of the condensing region opposite of the first side (see figure 7).

12. As to claim 38, Pfister teaches an apparatus that further comprises a second liquid outlet port operatively coupled to an outlet end of the second capillary channel (see figure 7).

13. As to claim 39, Pfister teaches an apparatus that further comprises a plurality of post disposed within the condensing region extending between the channeled base member and the cover plate (see figure 7).

14. As to claim 40, Pfister teaches an apparatus that further comprises a heatsink 126 thermally coupled to the cover plate (see figure 7; inherently the heat sink 126 is thermally coupled to the cover plate; the exterior of the tube 116 can also be defined as a cover plate).

15. As to claim 41, Pfister teaches an apparatus wherein the heatsink comprises a base plate having plurality of pins 126 extending upward therefrom (see figure 7; inherently the exterior of tube 116 is defined as the base).

16. As to claim 42, Pfister teaches an apparatus that further comprises a centrifugal fan 128 including an annular fan rotor having a plurality of fan blades disposed around a periphery of the heat sink so as to draw air across the heatsink when rotated (see figure 7; column 14 lines 30-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nihir Patel whose telephone number is (571) 272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Nihir Patel


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10/29/07